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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,082	05/22/2006	Thomas Huber	59482.21880	3687

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EXAMINER
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O'HARA, BRIAN M

ART UNIT	PAPER NUMBER
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3644

NOTIFICATION DATE	DELIVERY MODE
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02/03/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@bakerlaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,082	<b>Applicant(s)</b> HUBER ET AL.	
	<b>Examiner</b> Brian M. O'Hara	<b>Art Unit</b> 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-33 is/are pending in the application.
- 4a) Of the above claim(s) 11-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10,32,33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/04/2010 has been entered.

### ***Election/Restrictions***

2. Applicant's election with traverse of 1-4, 6-10, 32, and 33 in the reply filed on 11/24/2010 is acknowledged. The traversal is on the ground(s) that examination of each group would not be a serious burden on the examiner. This is not found persuasive because each invention as claimed requires additional consideration and searching. Each group claims different elements which must be considered and searched separately in different classes and subclasses.

The requirement is still deemed proper and is therefore made FINAL.

3. **Claims 18-31 are withdrawn** from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 11/24/2010.

***Claim Objections***

4. **Claim 1 is objected** to because of the following informalities: Lines 4 and 5 should read: “a cargo compartment of said aircraft, said ~~cargo deck~~ cargo compartment being adapted to receive loads and comprising a plurality of floor modules, which are fixed within the cargo compartment and define ~~said a~~ a cargo deck, and”. Appropriate correction is required.
5. **Claims 2-4, 6-10, 32, and 33** are objected to for being dependent upon an objected base claim.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. **Claims 2-4 and 6-10 rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. **Claims 2-4 and 6-10** recite the limitation "Cargo deck according to claim..."  
There is insufficient antecedent basis for this limitation in the claim; the independent claim is directed toward an aircraft.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1-4, 6-10, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinson (US Patent 5,322,350 A) in view of Helmer (US Patent 5,170,968 A).**

11. Regarding **Claim 1**, Hinson discloses a vehicle having an outer skin (16) comprising:

a cargo compartment (inside of 15), said cargo compartment being adapted to receive loads ("secure loads"; See Column 2, Line 23) and comprising a plurality of floor modules (20), which are fixed within the cargo compartment and define a cargo deck (when multiple units are inserted), and

a plurality of longitudinal profiles (42) attached to said outer skin ("welded to interior of trailer bed" See Column 2, Lines 58-59), and

a plurality of intermediate elements (30), wherein

each of said floor modules comprises a plurality of transverse beams (22) that extend across of a width of said vehicle (as shown in Fig. 5), each end of said transverse beams resting on an upper surface of a respective one of said longitudinal profiles (42);

each of said floor modules (20) comprises a plurality of profile elements (21) that extend in a longitudinal direction of said vehicle along a respective upper surface of at least one of said floor modules, said profile elements providing a mount for at least one element selected from the group comprising transport rollers and latches (27 can mount

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latches), said plurality of profile elements comprising at least one peripheral profile (profiles containing 27) located at an edge region (near 23 and 24) of the respective floor module proximate to said outer skin (16); and

said at least one peripheral profile is connected (at 27, See Column 2, Line 34-39) to said outer skin by means of at least one of said plurality of intermediate elements (30) such that forces in said longitudinal direction of said vehicle are transferred from said at least one peripheral profile to said outer skin, whereas forces perpendicular to said longitudinal direction of said vehicle are transferred only very slightly to said outer skin by said intermediate elements (see longitudinal tension in 30 as shown in Fig. 4).

Hinson teaches use of the cargo compartment system in a semicircular vehicle, but is silent on use in the fuselage of an aircraft. Helmer teaches an arrangement for lading of a cargo compartment (3) of an aircraft fuselage (See Abstract) and uses floor modules (143) and profile elements (146). At the time of invention, it would have been obvious to one of ordinary skill in the art to provide the cargo deck of Hinson in an aircraft fuselage in view of the teaching of Helmer. The motivation for doing so would have been to use the removable floor units of Hinson in both aircraft and land vehicles; i.e. cargo could easily be transferred from an aircraft to a truck for local delivery.

12. Regarding **Claims 2-4**, Hinson and Helmer disclose the aircraft as described above and Hinson further discloses: a plurality of ribs (41 and 43) are fixed to said outer skin (16), and said longitudinal beams are fixed to said ribs; said longitudinal beams are comprised of a material (aluminum, See Column 2, Line 58 of Hinson) that has a coefficient of thermal expansion which corresponds substantially to that of said outer

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skin (the aircraft fuselage, as taught by Helmer, is made from aluminum); at least one of said longitudinal beams and said ribs comprise at least one of bores (holes), rapid-closure elements and similar fixation devices for attachment of the floor modules (via hooks 31) thereto.

13. Regarding **Claims 6-8**, Hinson and Helmer disclose the aircraft as described above and Hinson further discloses: a pair of said longitudinal beams (42, one on each side) is connected to said floor modules; said floor modules (20) each comprise at least one transverse beam (22) connecting said floor module to said longitudinal beams; and wherein said floor modules each comprise at least one transverse beam connecting said floor module to said longitudinal beams, and said transverse beam having at least one supporting foot (25) configured and adapted to be fastened to a fuselage of said aircraft at a bottom region of said aircraft (via holes 28).

14. Regarding **Claims 9 and 10**, Hinson and Helmer disclose the aircraft as described above and Hinson further discloses: at least one of said ribs (41 and 43) and said longitudinal beams (42) comprise fixation elements (68) that are attached to one of said ribs in a zone between said outer skin and an edge region of the ribs that is directed into the cargo compartment, and said edge region of said ribs that do not define bores; wherein said modules are decoupled from one another (they are not directly fixed to each other) with respect to forces acting in the long direction of the aircraft.

15. Regarding **Claims 32 and 33**, Hinson and Helmer disclose the aircraft as described above and Hinson further discloses: a bottom surface of said at least one

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peripheral profile (21 containing 27) abuts an upper surface of said at least one of said plurality of intermediate elements (hooks of 30 go through 27 and so abut both the upper and lower surface of 21); and said longitudinal profiles and said intermediate elements are manufactured from a sheet material (aluminum).

### ***Response to Arguments***

16. Applicant's arguments with respect to Claims **1-4, 6-10, 32, and 33** have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian M. O'Hara whose telephone number is (571)270-5224. The examiner can normally be reached on Monday thru Friday 10am - 5pm except the first Friday of every Bi-week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy D. Collins can be reached on (571)272-6886. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOSHUA J MICHENER/  
Primary Examiner, Art Unit 3644

/B. M. O./  
Examiner, Art Unit 3644